

REMARKS

By this amendment, claims 1-16, 18, 20 and 22-38 are pending, in which claims 36-38 are newly presented. Claims 17, 19 and 21 were previously canceled. No new matter is added.

The Office Action mailed March 7, 2006 rejected claims 1-16, 18, 20 and 22-35 as obvious under 35 U.S.C. § 103 based on *Gelman et al.* (US 6,415,329) in view of *Albert et al.* (US 6,742,045).

Applicants respectfully traverse the rejection for the reasons explained below.

The Examiner, in the Office Action on page 2, maintains that the features of “tearing down, during a predetermined period, the unspoofed connection based upon the identifying step” and “the predetermined period is set to minimize delay for restarting of the spoofed connection” are disclosed. Applicants respectfully disagree.

For example, claim 1 on the other hand states (Emphasis Added):

1. (Previously Amended) A method for performing redundancy switching from a first platform to a second platform, the method comprising:

identifying a message received over an unspoofed connection according to a prescribed protocol as an unspoofed message;

tearing down, during a predetermined period, the unspoofed connection **based upon the identifying step**; and

restarting a spoofed connection between the second platform and a host, wherein the second platform serves as a redundant platform for the first platform, and the predetermined period is set to minimize delay for restarting of the spoofed connection.

By contrast, *Gelman et al.* discusses that the connection is forcibly terminated as a result of the changing the destination address. That is, the termination occurs **automatically** by the *Gelman et al.* system without any condition (i.e., not based on any identification). The cited passage, col. 9: 66-col. 10:8, states (Emphasis Added)

Each GT gateway application 76 listens for incoming TCP connections on its main socket, which differs from the destination socket of packets traversing the wireless link. To reach the GT application, TCP packets must have their destination addressing information changed. The GT SNAT 78 module performs this function, **selectively changing the destination addressing information of incoming packets which are to be transmitted on the wireless link**, to that of the gateway application's main socket, **forcing the connection to be terminated** by the TCP/IP protocols on the gateway.

The above paragraph, therefore, discloses that in essence changing the destination address within the packets **forcibly terminates** the connection. This termination is performed unconditionally, without the need to identify anything. Hence, the claim features, in totality, cannot be satisfied.

Further, in support of the obviousness rejection, the Examiner relies on generalizations, asserting (pages 4-5 of the Office Action) that *Albert et al.* teaches a system wherein “service managers have backup service managers for the purpose of providing a fail-over scheme if a master service manager should fail” and that the “operational status of service managers may be communicated on the service manager interface and the frequency of the updates is a predetermined time set to minimize down time of a service manager.” The cited passages, however, have no relevance to the claimed features of “the predetermined period is set to minimize delay for **restarting of the spoofed connection.**” The Examiner’s conclusion understandably is without factual support in the references. Instead, the Examiner takes the technical leap that the failover scheme of *Albert et al.* would “provide relatively uninterrupted service to the endpoints, **besides the startup time for the backup PEP to sync up**, which would provide packets that could tolerate long delay links.”

This technical leap does not stem from *Albert et al.* because the *Albert et al.* system does not recognize the problems addressed by the claimed invention. Applicants’ Specification states (paragraph [104]) the following:

It is recognized that the mechanics of gateway redundancy switch handling has a bias against unspoofed TCP connections in a network that utilizes a mix of both spoofed and unspoofed connections. After a redundancy switch, unspoofed TCP connections may be blocked (for several minutes) during the initial startup period to allow spoofed TCP connections to recover properly. The present invention, according to one embodiment, addresses this problem by modifying the handling of unspoofed TCP connections such that, during this initial startup period, the TCP Spoofing Kernel 280 uses its selective TCP spoofing rules to determine the particular TCP segments that belong to spoofed versus unspoofed TCP connections. This information may then be used to allow the unspoofed TCP segments to be forwarded, instead of blocked.

None of the applied references recognizes this problem. It is well settled that the problem addressed and solved by a claimed invention must be given consideration in resolving the ultimate legal conclusion of obviousness under 35 U.S.C. § 103. *North American Vaccine, Inc. v. American Cyanamid Co.*, 7 F.3d 1571, 28 USPQ 1333 (Fed. Cir. 1993); *In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990); *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 15 USPQ 1321 (Fed. Cir. 1990); *Jones v. Hardy*, 727 F.2d 1524, 220 USPQ 1021 (Fed. Cir. 1984).

With respect to newly added claims 36-38, each of these dependent claims recites "wherein the spoofed connection utilizes a protocol to alter behavior of the spoofed connection by performing one of three-way handshake spoofing, local data acknowledgement, connection to backbone connection multiplexing, data compression, or prioritization of connections." Such features are absent from the art of record.

Therefore, the present application, as amended, overcomes the rejection of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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